IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1915 OF 2005

Shri Suresh Ganesh Patil .. Petitioner
V/s.
Sou. Rekha Ramesh Kutre and Ors. .. Respondents

Mr. M.R. Katikar for the Petitioner
None present for the Respondents

CORAM : B.H. MARLAPALLE, J.
DATED : 03.05.2005

P.C.:-

1. Heard the learned counsel for the Petitioner, who has filed Regular Civil Suit No. 29 of 2000 and prayed for permanent injunction against the Defendants. The Suit was filed on or about 5.2.2000 and the Defendants are Mrs. Rekha Ramesh Kutre, her husband Ramesh, Mrs. Ranu Kamble, Mr. Gangaram Kamble, Mrs. Shobha Prakash Kamble, Mrs. Yallu Babu Kamble, Mrs. Anusaya Bandu Kamble and Mrs. Savita Anant Kamble, who is Defendant No. 8. The said Defendant No. 8 has also filed another Suit registered as Regular Civil Suit No. 33/2000 on or about 15.2.2000, praying for setting aside the decree passed in Regular Civil Suit No. 47/1999 by the Defendant Nos. 1 and 2 therein. The names of the Defendant Nos. 1 and 2 are Mrs. Rekha Ramesh Kutre and Mr. Ramesh Satuppa Kutre. The present Petitioner is not impleaded as Defendant in the said Suit.

2. In RCS No. 29/2000, the Petitioner Plaintiff filed an application on or about 2.12.2004 and prayed for clubbing of 2 Suits and secondly recording of evidence

and hearing. The said application came to be rejected

by the learned Single Judge Junior Division on 9.12.2004 and hence this Petition.

3. Admittedly, the present Petitioner is not concerned with Regular Civil Suit No. 33/2000 and the relief prayed for in the said Suit is to set aside the decree passed in RCS No. 47/1999 and this Suit was also not filed by the present Petitioners and it is evident that he was not concerned.

4. RCS No. 29/2000 has been filed for perpetual injunction against 8 Defendants and one of them i.e. Defendant No. 8 is the Plaintiff is RCS No. 33/2000. She is claiming her share in the property in the Suit filed by her independently and to which the Petitioner is not a party. Under such circumstances, the reasoning given by the Trial Court in support of the order cannot be held to be perverse or grossly erroneous. The Petition is rejected summarily. C.C. expedited.

(B.H. MARLAPALLE, J.)